



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 15, 1991

Mr. James Lee Murphy, III  
Assistant General Counsel  
Texas Department of Banking  
2601 North Lamar Blvd.  
Austin, Texas 78705-4294

OR91-500

Dear Mr. Murphy:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13265.

You sought an open records decision from this office pursuant to section 7(c) of the act. Consequently, we notified representatives of Southland Memorial Park (Southland) and Lincoln Memorial Park (Lincoln) that we received your request for an open records decision regarding "[a]ll records kept by the Banking Commission on [Southland and Lincoln]." In our letters to Southland and Lincoln, we requested an explanation as to why portions of their records held by the Banking Commission were excepted from public disclosure, with the caveat that their failure to do so within a reasonable time would result in this office instructing you to disclose the information.

More than 14 days have elapsed since this office issued its notice, but Lincoln has failed to provide this office with any explanation as to why its records should not be released. Consequently, we have no basis for applying any exceptions to required public disclosure to the commission's files pertaining to Lincoln. *See* Open Records Decision No. 552 (1990). Because neither you nor Lincoln have contended to this office that the requested information should be withheld, you should release that information at this time.

Although representatives of Southland have submitted a letter urging that its records should not be released, this office has not been presented with a *prima facie* case that the information at issue constitutes trade secrets for purposes of section 3(a)(10) of the Open Records Act or that the information is otherwise deemed confidential by statute or judicial decision. *See id.* Consequently, Southland's records must also be released at this time. If you have any questions regarding this letter, please refer to OR91-500.

Yours very truly,



Sarah Woelk  
Assistant Attorney General  
Opinion Committee

SW/RWP/lcd

Ref.: ID# 13265  
ID# 13498  
ID# 13693

cc: Southland Memorial Park  
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